

**New Castle City Board of Adjustment Meeting Minutes
December 12, 2018 – 6:30 p.m.
City of New Castle Town Hall**

Members Present: **Linda Ratchford, City Council President
Daniel Losco, Esq., City Solicitor
David J. Athey, City Engineer**

Absent: **Jimmy Gambacorta – Mayor**

Also Present: **Jeff Bergstrom, Building Official**

In Mayor Gambacorta's absence, Ms. Ratchford, City Council President, convened the meeting regarding the Application of Alexandra Narain at 6:30 pm, as permitted by Charter.

17 William Penn Court – Alexandra Narain

An application has been filed by Alexandra Narain, (Owner & Applicant), 17 William Penn Court, New Castle, DE 19720, for a property zoned Residential R-2 located at 17 William Penn court, New Castle, Delaware 19720, Tax Parcel No. 21-001-00-074, seeking a Special Exception from Zoning code per §230-57B to permit use as a day-care center pursuant to §230-17B(3).

Ms. Ratchford introduced Dan Losco, Esquire, City Solicitor, and David Athey, City Engineer, and requested that Mr. Losco read everything into the record. Mr. Losco stated the Board is in receipt of the Affidavit of posting in the Wilmington News Journal and the New Castle Weekly, as well as documentation of posting of the property.

William Rhodunda, Esquire, representative for the Applicant, and Ms. Narain, Applicant, came forward and were sworn in by Mr. Losco.

Mr. Rhodunda stated that Ms. Narain is seeking a Special Exception to allow a day-care consistent with the Level 2 Day Care under State Law that allows six to nine children. He added that under the New Castle City Code there are specific provisions that must be met under §230-17B(3)(a) and (b).

Mr. Rhodunda presented a survey of the property as Exhibit 1. Section 230-17B(3)(a) requires that there be at least 50 square feet of outdoor play space per child, which would require 450 square feet of play space for nine children, and the backyard of the subject property is 1,316 square feet which exceeds the minimum requirement. Section 230-17B(3)(b) requires that the outdoor play space be fenced or otherwise enclosed and that a driveway cannot be within the enclosed area and the outdoor play space is fenced.

Mr. Losco noted that the play space contains a concrete area that is not permitted pursuant to §230-17B(3)(b) of the City Code, and Mr. Rhodunda stated that the square footage of the area excluding the concrete pad is approximately 850 square feet, which exceeds the 450 square foot minimum requirement for nine children.

Mr. Rhodunda submitted letters of support from neighbors as Exhibit 2. Ms. Narain advised that she distributed letters to all neighbors; however the owners of 13 and 15 William Penn court did not respond, and she did not follow-up with them in person. She added that she is not aware of any issues or concerns the neighbors might have.

Mr. Losco asked what is at the rear of Ms. Narain's property. She was unsure of what the building was, and Mr. Bergstrom advised it was the former Ironworkers 451 Hall and a lightly-used warehouse in the back for plumbing fixtures. Mr. Athey asked Ms. Narain to describe the fencing and she stated the back yard is primarily a 6' high PVC privacy fence, and a 4' high chain-link fence along the side-yard party-wall.

Mr. Rhodunda explained that Ms. Narain currently has five children in the day care, including one of her own. He added that she is expecting a second child in January, and as she is limited to five at this time she would be over the maximum allowed for a Level 1 Family Home Child Care under Chapter 49 A and B of the State of Delaware Day Care Regulations. Therefore, she is seeking to have up to nine children, six full-time and 3 part-time (after/before-care), which would comply with Level 2 Family Home Child Care under Chapter 49 C of the State of Delaware Day Care Regulations. Mr. Athey clarified that she would have six full-time children, and there could be as many as nine children at one time. Ms. Ratchford clarified that the Regulations include her own children as part of the day-care number. Mr. Losco asked about assistance with the children and what areas of the home the children have access to, and Ms. Narain advised that she has no additional help and the children have access to the entire down-stairs area of the home. Mr. Rhodunda added that letters from parents of children in the daycare indicate their support and satisfaction with the care their children receive. Ms. Narain advised that she was licensed in May 2017.

Mr. Rhodunda submitted for the Record the following Exhibits:

- 2018 State of Delaware Business License
- 2018 City of New Castle Business License
- Letter dated February 15, 2017, stating Mr. Bergstrom inspected the property and it was in compliance with all Fire Code Regulations
- State of Delaware Family Child Care License No. 1329811 dated November 1, 2017, effective to April 30, 2018
- State of Delaware Family Child Care License May 2018 – April 30-2019

It was clarified that Ms. Narain is the sole owner of the subject property and that the day-care is run at the subject property.

Ms. Narain explained that the drop-off times of the children are staggered from 7:00 am – 10:30 am, and pick-up times are staggered from 4:00 pm – 7:30 pm. She also noted that she has two dedicated parking spaces in front of the house.

Mr. Losco clarified that Ms. Narain has First Aid and CPR training but that she does not carry liability insurance.

There was no comment for or against the Application from the public; however, four letters were entered into the Record in support of the Application from neighbors.

Mr. Athey made a Motion to move to the business meeting. Mr. Losco seconded the Motion. On vote, the Motion passed unanimously.

During discussion, Mr. Losco noted that Ms. Narain has been operating for a few years without incident; that his concern of the concrete in the play area was addressed; that the buildings to the rear are only minimally used; that Ms. Narain has First Aid and CPR training; and the immediate neighbor consents to

the Application. He expressed his concern that Ms. Narain does not carry liability insurance and suggested that she look into obtaining such insurance. He also expressed his concern that Ms. Narain has no assistance with the children; however, he noted that having six full-time and three part-time children is in compliance with the State Regulations. He stated that he supports the Application.

Ms. Ratchford noted that drop-off and pick-up times are staggered and the children are of different ages. She added that the letters provided are glowing and that the parents are obviously very satisfied with the services provided. She also noted that there is no indication that there have been any issues or concerns with having the day care in the neighborhood. Ms. Ratchford stated that she also supports the Application.

Mr. Athey noted that Mr. Losco and Ms. Ratchford had addressed many of the issues he had, but stated it was unfortunate that the neighbor on the opposite side had not responded to Ms. Narain's letter and that she did not try to make personal contact with them. He stated that he also supports the Application.

Mr. Losco made a Motion to approve the Application for a Special Exception from Zoning Code per §230-57B to permit use as a day-care center pursuant to §230-17B(3) to begin immediately upon grant of the Special Exception. Mr. Athey seconded the Motion. On vote, the Motion was approved unanimously.

Mr. Athey made a Motion to adjourn the meeting for 17 William Penn Court. Mr. Losco seconded the Motion. On vote, the Motion was approved unanimously.

Kathy Weirich
Stenographer